

**ORDINANCE NO. F-1125**

**AN ORDINANCE AMENDING THE WHEATON ZONING MAP  
BY REZONING CERTAIN REAL ESTATE AND GRANTING A SPECIAL USE  
PERMIT FOR PLANNED UNIT DEVELOPMENT ON REAL ESTATE COMMONLY  
LOCATED ON THE SOUTH SIDE OF WIESBROOK ROAD AT LEABROOK LANE-  
NOZZEL, INC. & COMMONWEALTH EDISON COMPANY**

**WHEREAS**, written application has been made to amend the Zoning Map, which is attached to and forms a part of, the Zoning Ordinance of Wheaton, Illinois, by rezoning certain real estate in the City of Wheaton ("City") and the issuance of a special use permit for a Planned Unit Development in order to allow for the development of four single family homes on four residential zoning lots and the continued existence of a Commonwealth Edison utility substation on a separate additional lot, for a total of five lots, all on the property legally described herein within the city limits of Wheaton, Illinois, and commonly located on the south side of Wiesbrook Road at Leabrook Lane; and

**WHEREAS**, pursuant to notice as required by the Illinois Municipal Code and the Wheaton Zoning Ordinance, a public hearing was conducted by the Wheaton Planning and Zoning Board on November 8, 2005 and December 13, 2004, to consider the zoning amendment and issuance of the special use permit; and the Board has recommended the rezoning and issuance of the special use permit;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Wheaton, Du Page County, Illinois, pursuant to its home rule powers, as follows:

**Section 1:** Pursuant to the findings of fact made and determined by the Planning and Zoning Board, the Zoning Map, which is attached to and forms a part of the City Zoning Ordinance, is amended by removing the following-described property from the R-1 Residential District Zoning classification and adding and including it in the R-3 Residential District Zoning classification:

LOTS 1 AND 2 IN COMMONWEALTH EDISON COMPANY DCW 340  
ASSESSMENT PLAT OF THAT PART OF THE SOUTHEAST  $\frac{1}{4}$  OF SECTION 19,  
TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN,  
ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 13, 2002 AS  
DOCUMENT R2002-208303 IN DUPAGE COUNTY, ILLINOIS.

P.I.N. 05-19-405-009, 05-19-405-010

The subject property is commonly known as 1764 Wiesbrook Road, Wheaton, IL 60187.

**Section 2:** Pursuant to the Findings of Fact made and determined by the Planning and Zoning Board, a special use permit is hereby issued to allow for the construction and use of a Planned Unit Development for development of four single family homes on four separate zoning lots

and the continued use and operation of a Commonwealth Edison utility substation on an additional separate lot, identified as Outlot A on the Preliminary Plat, as hereafter defined, for a total of five lots, within the planned unit development on the subject property in full compliance with the preliminary plat prepared by Jacob and Hefner Associates, P.C., dated November 7, 2005 and bearing a last revision date of January 12, 2006, entitled Orchard Brook Subdivision ("Preliminary Plat"), and in further compliance with the following conditions, restrictions, and requirements:

1. The owner of the Subject Property shall dedicate to the City of Wheaton, an appropriate right of way, not less than 10 feet in width, along and upon the eastern portion of the subject property and connecting to the right-of-way to be dedicated for the public street, in the location identified on the Preliminary Plat. Said public right of way shall be limited to use for pedestrian and non-motorized bicycle ingress to and egress from the Illinois Prairie Path adjacent to the planned unit development. Said dedication, including the specific type thereof, shall be subject to the reasonable approval of the City and shall be effectuated pursuant to applicable provisions contained on the final plat of subdivision for the Subject Property as hereafter approved by the City; and
2. Additional landscaping and planting shall be installed on the subject property to provide for the screening of the utility substation within the planned unit development; the landscaping shall be subject to the reasonable approval of the Director of Planning and Economic Development; and
3. There shall be no more than four (4) residential single-family lots within the planned unit development and the lot on which the utility substation is located may be not less than 6,700 square feet in size. In the event this utility substation lot is no longer used for a utility substation in the future, it may not be improved with a single-family residence; and
4. A deviation is hereby granted under the provisions of Section 3.4.A.5.b. and c. under the Wheaton Zoning Ordinance to allow for a minimum side yard setback along the easterly boundary line of lot 4, as identified on the Preliminary Plat, of ten (10) feet in lieu of the 12 feet and 14 feet, respectively, provided in said Section; and
5. City Ordinance No. E-3869, entitled "An Ordinance Amending the Wheaton Zoning Map and Granting a Special Use Permit for the Expansion of an Existing Electrical Substation known as Substation DCW340-1 on a Certain Piece of Property Commonly Located on the South Side of Wiesbrook Road at Leabrook Lane - Commonwealth Edison" ("Ordinance E-3869") is hereby amended by substituting the legal description attached hereto as Exhibit "A", entitled "Amended Exhibit "A" Legal Description for Ordinance E-3869", in place of the legal description set forth in Exhibit "A" currently attached to Ordinance E-3869. The land legally described in said Exhibit "A" attached hereto shall constitute Outlot A on the final plat of subdivision for the subject property as hereafter approved and recorded by the City; and
6. This special use permit, and the conditions, restrictions, and requirements recited herein, shall be considered a declaration of restrictive covenants and shall be binding upon the subject

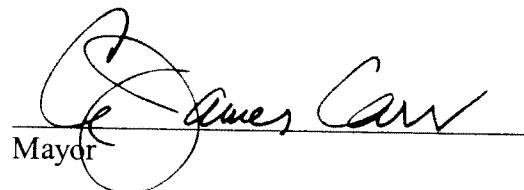
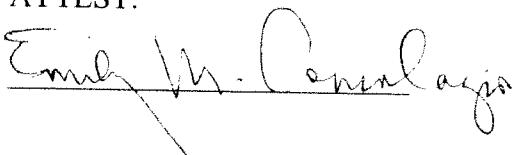
property and its owner, its successors, assigns, and grantees; this ordinance shall be recorded in the office of the Recorder of Deeds, Du Page County, Illinois.

By application for, and receipt of, any site development or building permit and the commencement of construction of any improvements on the subject property, owner, for himself/itself, his/its successors, assigns, and grantees, thereby agrees to all terms and conditions of this ordinance and declares this ordinance to constitute a covenant running with, and binding, the subject property, in perpetuity.

**Section 3:** All ordinances or parts of ordinances in conflict with these provisions are repealed.

**Section 4:** This ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.

ATTEST:



James Carr  
Mayor

Ayes:

Roll Call Vote  
Councilman Seuss  
Councilwoman Corry  
Mayor Pro-tem Mouhelis  
Councilman Levine

Nays:

None

Absent:

Mayor Carr  
Councilman Bolds  
Councilman Johnson

Motion Carried Unanimously

Passed: January 17, 2006  
Published: January 18, 2006

**EXHIBIT "A"**

**AMENDED EXHIBIT "A" LEGAL DESCRIPTION  
FOR ORDINANCE E-3869**

LOT 1 IN COMMONWEALTH EDISON COMPANY DCW 340 ASSESSMENT PLAT  
OF THAT PART OF THE SOUTHEAST  $\frac{1}{4}$  OF SECTION 19, TOWNSHIP 39 NORTH,  
RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE  
PLAT THEREOF RECORDED AUGUST 13, 2002 AS DOCUMENT R2002-208303  
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